

OFFICE OF THE COUNTY COUNSEL
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Attorneys for Contra Costa County

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MICHAEL GRESSETT

Plaintiff,

vs.

CONTRA COSTA COUNTY, et al.,

Defendant.

Case No.: 12-cv-03798-EMC

**REQUEST FOR ISSUANCE OF
WRIT OF EXECUTION;
DECLARATION OF JANICE L.
AMENTA**

REQUEST FOR ISSUANCE OF WRIT OF EXECUTION

This court taxed costs in the amount of \$21,580.24 on December 15, 2015, in the action titled above in favor of Contra Costa County and against Michael Gressett. (Docs. 237 and 241.) Contra Costa County requests this court to issue a writ of execution of the costs and accumulated interest since December 15, 2015.

Date: January 18, 2017

Respectfully submitted,

SHARON L. ANDERSON
CONTRA COSTA COUNTY COUNSEL

/s

Janice L. Amenta
Deputy County Counsel

DECLARATION OF JANICE L. AMENTA

I, Janice L. Amenta, declare:

1. I am employed by the County of Contra Costa ("County") as a Deputy County Counsel, and am one of the attorneys for Contra Costa County in this action. I am admitted to the State Bar of California and to the bar of this court. I make this declaration from personal knowledge.

2. This court taxed costs in the amount of \$21,580.24 on December 15, 2015, in the action titled above in favor of Contra Costa County and against Michael Gressett. (Docs. 237 and 241)

3. I am the attorney for the Judgment Creditor, and request issuance of a Writ of Execution on the Judgment.

4. Accrued since the entry of judgment is interest computed at 0.71% pursuant to 28 United States Code section 1961.

5. This court issued a Writ of Execution in this matter on June 21, 2016. The writ expired before the Contra Costa County was able to serve process on the judgment debtor's employer for wage garnishment. The County respectfully requests this court to re-issue a Writ of Execution.

I declare under penalty of perjury under the laws of the United States and the State of California that the foregoing is true and correct, and that this declaration is executed on the date indicated below at Martinez, California.

Date: January 18, 2017

/s

JANICE L. AMENTA

| | |
|--|--|
| ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number and address): Sharon L. Anderson, County Counsel, SBN 94814 Janice L. Amenta, Deputy County Counsel, SBN 161260 Contra Costa County Counsel 651 Pine Street, 9th Floor Martinez, CA 94553 TELEPHONE NO.: (925) 335-1800 FAX NO.: (925) 646-1078 E-MAIL ADDRESS: Janice.Amenta@cc.cccounty.us ATTORNEY FOR (Name): Contra Costa County <input checked="" type="checkbox"/> ATTORNEY FOR <input checked="" type="checkbox"/> JUDGMENT CREDITOR <input type="checkbox"/> ASSIGNEE OF RECORD | FOR COURT USE ONLY |
| SUPERIOR COURT OF CALIFORNIA, COUNTY OF CONTRA COSTA STREET ADDRESS: 725 Court Street MAILING ADDRESS: 725 Court Street CITY AND ZIP CODE: Martinez, CA 94553 BRANCH NAME: Wakefield Taylor Courthouse | |
| PLAINTIFF: Contra Costa County DEFENDANT: Michael Gressett | |
| WRIT OF <input checked="" type="checkbox"/> EXECUTION (Money Judgment) <input type="checkbox"/> POSSESSION OF <input type="checkbox"/> Personal Property <input type="checkbox"/> SALE <input type="checkbox"/> Real Property | CASE NUMBER: C 12-3798 EMC <input type="checkbox"/> Limited Civil Case <input type="checkbox"/> Small Claims Case <input checked="" type="checkbox"/> Unlimited Civil Case <input type="checkbox"/> Other |

1. To the Sheriff or Marshal of the County of: Contra Costa

You are directed to enforce the judgment described below with daily interest and your costs as provided by law.

2. To any registered process server: You are authorized to serve this writ only in accord with CCP 699.080 or CCP 715.040.

3. (Name): Contra Costa County

is the ☒ judgment creditor ☐ assignee of record whose address is shown on this form above the court's name.

4. Judgment debtor (name, type of legal entity stated in judgment if not a natural person, and last known address):

Michael Gressett
 4671 Winchester Lane
 Martinez, CA 94553

9. ☐ See next page for information on real or personal property to be delivered under a writ of possession or sold under a writ of sale.

10. ☐ This writ is issued on a sister-state judgment.

11. Total judgment \$ 21,580.24

12. Costs after judgment (per filed order or memo CCP 685.090) \$

13. Subtotal (add 11 and 12) \$ 21,580.24

14. Credits \$

15. Subtotal (subtract 14 from 13) \$ 21,580.24

16. Interest after judgment (per filed affidavit CCP 685.050) (not on GC 6103.5 fees) .. \$ 153.00

17. Fee for issuance of writ \$

18. **Total (add 15, 16, and 17)** \$ 21,733.24

19. Levying officer:

(a) Add daily interest from date of writ

(at the legal rate on 15) (not on GC 6103.5 fees) of \$ 0.42

(b) Pay directly to court costs included in

11 and 17 (GC 6103.5, 68637; CCP 699.520(i)) \$

20. ☐ The amounts called for in items 11-19 are different for each debtor. These amounts are stated for each debtor on Attachment 20.

☐ Additional judgment debtors on next page

5. Judgment entered on (date):

December 15, 2015

6. ☐ Judgment renewed on (dates):

7. Notice of sale under this writ

a. ☒ has not been requested.

b. ☐ has been requested (see next page).

8. ☐ Joint debtor information on next page.



Issued on (date): 3/29/2017

Clerk, by Sheila Pash, Deputy

NOTICE TO PERSON SERVED: SEE NEXT PAGE FOR IMPORTANT INFORMATION.

| | |
|--------------------------------|---------------|
| PLAINTIFF: Contra Costa County | CASE NUMBER: |
| DEFENDANT: Michael Gressett | C 12-3798 EMC |

— Items continued from page 1—

21. ☐ **Additional judgment debtor** (name, type of legal entity stated in judgment if not a natural person, and last known address):

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22. ☐ **Notice of sale** has been requested by (name and address):

| | | | |
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23. ☐ **Joint debtor** was declared bound by the judgment (CCP 989–994)

a. on (date):

a. on (date):

b. name, type of legal entity stated in judgment if not a natural person, and last known address of joint debtor:

b. name, type of legal entity stated in judgment if not a natural person, and last known address of joint debtor:

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c. ☐ additional costs against certain joint debtors (itemize):

24. ☐ (Writ of Possession or Writ of Sale) **Judgment** was entered for the following:

a. ☐ Possession of real property: The complaint was filed on (date):

(Check (1) or (2)):

(1) ☐ The Prejudgment Claim of Right to Possession was served in compliance with CCP 415.46.

The judgment includes all tenants, subtenants, named claimants, and other occupants of the premises.

(2) ☐ The Prejudgment Claim of Right to Possession was NOT served in compliance with CCP 415.46.

(a) \$ _____ was the daily rental value on the date the complaint was filed.

(b) The court will hear objections to enforcement of the judgment under CCP 1174.3 on the following dates (specify):

b. ☐ Possession of personal property.

☐ If delivery cannot be had, then for the value (itemize in 24e) specified in the judgment or supplemental order.

c. ☐ Sale of personal property.

d. ☐ Sale of real property.

e. Description of property:

NOTICE TO PERSON SERVED

WRIT OF EXECUTION OR SALE. Your rights and duties are indicated on the accompanying *Notice of Levy* (Form EJ-150).

WRIT OF POSSESSION OF PERSONAL PROPERTY. If the levying officer is not able to take custody of the property, the levying officer will make a demand upon you for the property. If custody is not obtained following demand, the judgment may be enforced as a money judgment for the value of the property specified in the judgment or in a supplemental order.

WRIT OF POSSESSION OF REAL PROPERTY. If the premises are not vacated within five days after the date of service on the occupant or, if service is by posting, within five days after service on you, the levying officer will remove the occupants from the real property and place the judgment creditor in possession of the property. Except for a mobile home, personal property remaining on the premises will be sold or otherwise disposed of in accordance with CCP 1174 unless you or the owner of the property pays the judgment creditor the reasonable cost of storage and takes possession of the personal property not later than 15 days after the time the judgment creditor takes possession of the premises.

► A Claim of Right to Possession form accompanies this writ (unless the Summons was served in compliance with CCP 415.46).